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Docket No.: 03282/100L581-US2
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Hans-Joerg Voegel

Application No.: 10/801,926

Confirmation No.: 2329

Filed: March 15, 2004

Art Unit: 2171

For: METHOD AND SYSTEM FOR DELIVERING
CONTENT OVER A NETWORK

Examiner: Not Yet Assigned

**PETITION UNDER 37 C.F.R. § 1.78(a)(3) FOR UNINTENTIONALLY DELAYED CLAIM
UNDER 35 U.S.C. § 120 FOR THE BENEFIT OF PRIOR-FILED APPLICATIONS**

MS Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicant hereby petitions the Commissioner pursuant to 37 C.F.R. § 1.78(a)(3) to accept an unintentionally delayed claim for benefit of priority in this application.

This application is a continuation of U.S. Patent Application Serial No. 10/464,804, filed June 17, 2003 (which was co-pending with the present application when filed), which claimed the benefit of priority under 35 U.S.C. § 119(e) from U.S. Provisional Application Serial No. 60/390,029, filed June 17, 2002. The Utility Patent Application Transmittal, form PTO/SB/05, filed with the present application expressly states that the present application is a continuation of Serial No. 10/464,804. However, although the first sentence of specification of the present application and the Application Data Sheet as filed refer to Application No. 60/390,029, the specification and

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Application Data Sheet inadvertently and unknown to Applicant or his attorneys failed to refer to the direct parent application, Serial No. 10/464,804.

Applicant therefore petitions the Commissioner to accept his claim for the benefit of Serial No. 10/464,804. The entire delay between the date the claim was due under 37 CFR § 1.78(a)(2) and the date of this petition was unintentional.

This petition is accompanied by the following:

1. Surcharge under 37 C.F.R. § 1.17(t) in the amount of \$1370.00; and
2. The reference required by 35 U.S.C. § 120 and 37 C.F.R. § 1.78(a)(2), in the form of an amendment amending the first sentence of the specification following the title to include a reference to the prior-filed application Serial No. 10/464,804, and also a Supplemental Application Data Sheet.

Applicant submits that all the requirements of 37 C.F.R. § 1.78(a)(3) are satisfied, and the Commissioner is respectfully requested to grant this Petition.

Dated: May 17, 2005

Respectfully submitted,

By Kendall

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